

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Hearing Date: August 8, 2013
Hearing Time: 10:00 a.m.

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In re:

ENMANUEL CAMPOS &
JUANA MARITZA LORA BRITO,

Chapter 7

Case No. 13-22831 (RDD)

Debtors.
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NOTICE OF MOTION TO DISMISS THE CHAPTER 7 CASE AS AGAINST
ENMANUEL CAMPOS

PLEASE TAKE NOTICE that the debtors in the above captioned case, Enmanuel Campos & Juana Maritza Lora Brito, by and through their attorneys, Bronson Law Offices, P.C., will move this court at the U.S. Bankruptcy Court, 300 Quarropas Street, White Plains, New York, on August 8, 2013 at 10:00 AM, or as soon thereafter as counsel may be heard, for an order dismissing the instant chapter 7 bankruptcy case without prejudice pursuant to 11 U.S.C. § 707(a) as against Enmanuel Campos.

PLEASE TAKE FURTHER NOTICE that papers responsive to this motion, if any, are required to be served upon the undersigned at least seven (7) days before the return date of this motion.

Dated: Westchester, NY
July 10, 2013

BRONSON LAW OFFICES, P.C.

By: /s/H. Bruce Bronson
H. Bruce Bronson, Jr., Esq.
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Harrison, NY 10528
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UNITED STATES BANKRUPTCY COURT
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In re:

ENMANUEL CAMPOS &
JUANA MARITZA LORA BRITO,

Debtors.
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Chapter 7

Case No. 13-22831 (RDD)

**DECLARATION IN SUPPORT OF DEBTOR'S MOTION
TO DISMISS THE CHAPTER 7 CASE**

I, H. Bruce Bronson, Jr., Esq., attorney for the debtors in the above captioned case, Enmanuel Campos & Juana Maritza Lora Brito, (the "Debtors"), declare the following under penalty of perjury in support of the Debtors' motion to dismiss the instant chapter 7 case without prejudice, pursuant to 11 U.S.C. § 707(a), as to Enmanuel Campos.

BACKGROUND

1. On or about May 29, 2013, Debtors commenced the instant case under chapter 7 of Title 11 of the U.S. Code by filing a voluntary joint petition. Dkt. No. 1.
2. The Debtors, unbeknownst to the undersigned counsel, had filed for divorce on January 16, 2013. As of the date the petition was filed, Debtors believed that their divorce was not final, and accordingly, that they were entitled to file jointly.
3. Debtors Section 341 meeting was scheduled for June 21, 2013, and adjourned to July 19, 2013 by the Chapter 7 Trustee Howard Magaliff ("Trustee").
4. Upon inquiry by the Trustee on June 14, 2013, as to the marital status of Debtors, the undersigned firm checked the public records and found that a judgment of divorce had been issued on April 17, 2013 (see "Exhibit A"), predating the filing of Debtors' petition.

ARGUMENT

5. 11 U.S.C. § 707(a) permits the Court to dismiss a chapter 7 case “after notice and a hearing and only for cause.” In this case, the Debtors' were not entitled to file a joint petition, and accordingly, the petition should be dismissed as to one of the Debtors without prejudice. The Debtors have discussed this matter with counsel and have concluded that, as between them, the chapter 7 case should be dismissed against Enmanuel Campos, without prejudice.

6. It is respectfully submitted that the dismissal of the case as to both parties followed by the re-filing of one or both parties separately would be a waste of judicial resources and would add an unnecessary financial burden on the Debtors. Therefore, the case should be allowed to proceed as to one of the existing parties.

7. It is further respectfully submitted that it is in the best interests of the Debtors for the instant chapter 7 case to be dismissed without prejudice as against Enmanuel Campos.

WHEREFORE, the Debtors respectfully request that this Court issue an order dismissing the instant chapter 7 case without prejudice as against Enmanuel Campos and for such other relief that this Court deems just and proper.

Dated: Westchester, NY
July 10, 2013

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